

**REMARKS/ARGUMENTS**

Claims 1-4, 6-11, and 13-23 remain in the application for further prosecution. Claims 1, 6-8, 12, 17-19 and 23 have been amended. Claims 5, 16 and 24 have been cancelled without prejudice.

The Office Action rejected claims 1-4 and 12-15 and 23 as provisionally rejected as claiming the same invention of co-pending Application No. 10/457,629. Applicant has amended claims 1, 12 and 23 to further clarify that the present claims are directed toward a video display that portrays an animation of a mechanical signage display member, while the claims in co-pending Application No. 10/457,629 relates to mechanical signage members. Applicant respectfully requests that the claims are not identical and are directed toward different patentable subject matter.

The Office Action provisionally rejected claims 1-24 on the ground of non-statutory double patenting over claims 1-31 of co-pending Application No. 10/457,629. Applicant is filing herewith a terminal disclaimer and respectfully requests withdrawal of this objection.

The Office Action objected to the Information Disclosure Statement filed October 9, 2003. Applicant respectfully submits that the Information Disclosure Statement filed October 9, 2003 inadvertently omitted the PTO-1449 form and makes reference to the references cited by the parent case (Serial No. 10/457,629). Applicant is submitting herewith a revised Information Disclosure Statement with the proper PTO-1449 form listing the cited references in order to comply with C.F.R. 1.56(a) and 1.97.

The Office Action rejected claims 1-24 under 35 U.S.C. 101 and 112 as containing non-statutory subject matter and being indefinite for being directed toward different inventions. Applicant has amended claims 1, 12 and 23 to require that the display signage is associated with

the wagering game. Applicant respectfully submits that the elements of these claims are now associated with each other and thus there is a unitary invention and the claims are definite

The Office Action has objected to claims 5-8, 16-19 and 24 under 35 U.S.C. 112 as indefinite because the signage display includes a mechanical display as well as a video display. Applicant has canceled claims 5, 16 and 24 and amended independent claims 1, 12 and 23 to clarify that the signage display is a video display that portrays an animation of a mechanical signage display described in other elements of the claims.

#### **Telephone Interview and Interview Summary**

The Applicant notes with appreciation the interview with Examiners Hsu and Hotaling on October 5, 2007. Pursuant to the discussions in the interview, the Applicant has amended independent claims 1, 12 and 23 to add the features of now canceled claims 5, 16 and 24 to clarify the claimed subject matter as a video representation of mechanical signage. Applicant also explained that claims 1, 12 and 23 were amended to distinguish the art of record that was cited in the parent case. The Examiners indicated that they would review the claims in light of the previously submitted arguments from the parent case related to the commonly cited references.

#### **Rejection - 35 U.S.C. § 102**

Claims 1-4, 9, 11-14, 19, 21-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/14251 ("Seelig '251").

Applicant has amended these claims 1, 12 and 23 to include the element that the display member moves between the first and second position in response to an event during the wagering game. Seelig '251 does not disclose nor suggest such a limitation as the three-dimensional robot in Seelig '251 does not move between a first and second position in response to a wagering game

result. The robot figure stays in the same position on top of the machine regardless of events in the game.

**Rejections - 35 U.S.C. § 103**

Claims 1, 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch (GB2,171,235). Claims 10 and 22 are rejected in view of Seelig '251 in view of U.S. Patent No. 6,338,678 ("Seelig '678"). Claims 6-9 and 17-19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig '251 and WO 00/32286 ("Bennett") in view of Crouch.

Applicant has amended claims 1, 12 and 23 to include the element that the display member moves between the first and second position in response to an event during the wagering game. Amended claims 1, 12 and 23 are not anticipated or rendered obvious by Crouch because the cylinder in Crouch does not move between a first and second position in response to a game event. Further amended claims 1, 12 and 23 now require "an alterable signage video display portraying an animation of a mechanical device." Crouch is a mechanical device and is not a video display portraying an animation of a mechanical device. Applicant respectfully submits amended claims 1, 12 and 23 are allowable over Crouch. Claims 2-4 and 6-11 depend from amended claim 1 and are similarly allowable. Claims 13-14 and 17-22 depend from amended claim 12 and are similarly allowable.

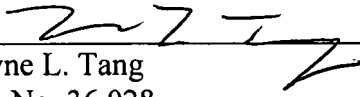
## Conclusion

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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